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### REMARKS

#### **1. Claim Rejections Under 35 U.S.C. 112**

Claims 1-28 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The proffered amendments to the claims have clarified the subject matter and removed this ground of rejection.

#### **2. Claim Rejections Under 35 U.S.C. 102**

Claims 1-7, 9, 10, 15-21, 23, 24, 29-32, 34 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Bender et al. (U.S. 5,412,574).

The applicant respectfully traverses the Examiner's reading of Bender for at least the following reason.

The Examiner recites that Bender teaches "... a stayout zone associated with a bright object, or a plurality of objects and determining a star in the stayout zone (see figs. 3a and 3b; col. 5, lines 38-63 at least)..." It is the applicant's position that Bender, throughout its disclosure (specification, claims and drawings) does not teach or suggest "determining a star in the stayout zone" as taught in the present application. In fact, Bender teaches an entirely different method of excluding the objects in the stayout zone. Column 5, lines 23-27 in Bender recite "a minimum angular separation of at least 25 degrees must be maintained between the star tracker bore-sight and any light sources such

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as the moon or spacecraft appendages that may glint, to avoid "flooding" the star tracker detector with light." The cited lines, read in combination with Figs. 3a and 3b, clearly show that Bender intends to block out the entire stayout zone and radiation from none of the objects in the stayout zone would be able to reach the detector. Bender does not teach or suggest, nor can its system allow the determination of stars inside the stayout zone. Further, by entirely blocking out any objects in the stayout zone from reaching the detector, Bender does not allow the selective star exclusion based on its brightness inside the stayout zone, as taught and claimed by the present invention.

Therefore, Bender does not teach all the limitations of the present invention and the rejection due to anticipation should be withdrawn.

### 3. Claim Rejections Under 35 U.S.C. 103

Claims 8, 11-14, 22, 25-28, 33 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bender et al. (U.S. 5,412,574).

The Examiner relied on Bender to teach "all of the limitations except for the property being brightness having a first and a second magnitude and calculating one circular rectangular, different shape, stayout zone."

It can be appreciated from the previous argument that such a reading of Bender is unwarranted. Bender failed to teach the stayout zone of the present application. It is the applicant's position that Bender would not render the subject matter of the present application obvious.

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It is submitted that the application now is in condition for allowance and notification thereof is respectfully requested.

Respectfully submitted,

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